

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CENTURY 21 REAL ESTATE LLC, CASE NO. 5:13-cv-00887 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

ED/VAR INC., et. al.,

Defendant(s).

On August 9, 2013, the court granted an unopposed Motion to Withdraw as Counsel filed by the attorney for Defendants ED/VAR Inc. and Carlos Vargas ("Vargas"). See Docket Item No. 31. As part of that order, the court noted that ED/VAR Inc. could not proceed without an attorney and allowed ED/VAR time to locate alternate counsel. The court further ED/VAR Inc. that failure to retain counsel within the time provided could "result in adverse consequences, including entry of default judgment against it."

Despite the court's instructions, an attorney has not appeared in this action on behalf of ED/VAR Inc. In addition, the docket reveals that Vargas did not participate in the preparation of a Joint Case Management Statement in anticipation of the upcoming scheduling conference on September 27, 2013. See Docket Item No. 34.

It appears to the court that ED/VAR Inc. and Vargas have abandoned their defense. Accordingly, the court hereby issues an order to show cause why the Answers of ED/VAR Inc. and Vargas should not be stricken. If ED/VAR Inc. and Vargas do not, **by October 8, 2013,**

1 demonstrate good cause in writing, the court will strike their answers which would allow Plaintiff to
2 seek entry
3 of default and default judgment against them. No hearing will be held on the order to show cause
4 unless otherwise ordered by the court.


5 The clerk shall serve a copy of this Order to Show Cause on ED/VAR Inc. and Vargas by
6 mail at the following addresses:

7 Carlos Vargas
8 17300 Hendry Drive
9 Morgan Hill, CA 95037

10 ED/VAR Inc.
11 c/o Carlos Vargas
12 17300 Hendry Drive
13 Morgan Hill, CA 95037

14 **IT IS SO ORDERED.**

15 Dated: September 24, 2013


EDWARD J. DAVILA
United States District Judge